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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,001	09/09/2002	Gregory Eskridge	202704232002	5721

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EXAMINER

TRIEU, VAN THANH

ART UNIT PAPER NUMBER

2612

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,001	Applicant(s) ESKRIDGE, GREGORY	
	Examiner Van T Trieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Price R-W, et al** [US 6,052,068] in view of **Sabate et al** [US 6,861,959].

Regarding claim 1, the claimed radio frequency tag (the RF tags 16, see Figs. 1 and 4, col. 3, lines 14-23); and the tag reader (the interrogator 12 includes input/output 30, the encrypting circuit 33, the decrypting 42 and processor 31 are adapted to translate information received from the RF tags 16 from antenna 44 to a display unit, see Fig. 1 and 4, col. 4, lines 34-36, col. 5, lines 19-67 and col. 6, lines 1-50); but **Price R-W et al** fails to disclose the RFID is passive. However, **Price R-W et al** teaches that the RFID tag VIT 16 is powered by a rechargeable battery 82 or other power supply, see Fig. 4, col. 9, lines 21-40. **Sabate et al** suggests that AVI and/or RFID tags are mounted on the vehicles of the users. When the vehicle user with AVI/RFID tag passes the antenna, a communication is setup between the two for identifying the user, vehicle identification, debit the pertinent fee. The standards for AVI/RFID tags existed three main categories: Type I is passive tag, Type II is active tag and Type III is active transponder circuit, see Fig. 1f, col. 6, lines 1-19 and col. 9, lines 33-55. Therefore, it

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would have been obvious to one skill in the art at the time the invention was made to substitute the Type I passive RFID tag of **Sabate et al** for the RFID tag of **Price R-W et al** for reducing size of the RFID tag and to minimize its weight since the passive and active RFID tags are available in the market and well known in the communications industry. **Price R-W et al** fails to disclose the antenna to receive information from all close vehicles, from the RF tag that is capable of interrogation at speeds in excess of 75 mph. However, **Price R-W et al** teaches that the antenna 44 of the interrogator 12 receives signal information from the RF tags 16 when the vehicle with RFID tag passing the antenna 44 at a frequency of 850 MHz and a relative low speed of 15 mph, see Figs. 1 and 3, col. 2, lines 21-29, col. 3, lines 19-50, col. 5, lines 36-67, col. 6, lines 5-32, col. 7, lines 60-67 and col. 8, lines 1-14. Therefore, it would have been obvious to one skill in the art to recognize that it is a design choice to select the transmission frequencies over the 10 GHz, which will accomplish interrogation signals between the RFID tag and interrogation antenna within a very quick time interval/period as when the vehicle passing the antenna greater than 75 mph. Such selecting transmission frequencies for transmitting a high-speed data signals are well known in the wireless communications technologies.

Regarding claim 2, the claimed tag registration (the RF tag 16 is attached to vehicle license plate 28 of a vehicle and contains vehicle registration information, see Fig. 4, col. 4, lines 45-58).

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Regarding claim 3, the claimed data chip (RF tag 16 includes a processor 64 and a memory 66 for storing information data, see Fig. 4, col. 8, lines 15-57).

Regarding claim 4, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** in respect to claims 1-3 above, wherein the Type I passive RFID tag is design to read only tag that contained vehicle and driver data information.

Regarding claim 5, all the claimed subject matters are cited in respect to claim 4 above, wherein the interrogator 12 having an antenna 44 can be attached to a fixed location, see Fig. 2, col. 4, lines 38-41.

Regarding claim 6, all the claimed subject matters are cited in respect to claim 5 above, wherein the interrogator 12 is installed in a police car 25, see Fig. 2, col. 4, lines 38-40.

Regarding claim 7, **Price R-W et al** fails to disclose the tag reader is further connected to a laptop system in the patrol vehicle. However, **Price R-W et al** teaches that the interrogator 12 can cross link the data in the vehicle identify tag 16 to an external database 22, which may reside in a computer hardwire to the interrogator/reader 12 or in a remote location using a GPS communication link 24 for inputting, retrieving, updating and comparing data information of tracked vehicle having RF tag 16, see Figs. 1-3 and 6-8, col. 2, lines 6-20. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the computer hardwire to the interrogator/reader 12 is

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preferably a laptop computer because the laptop computer is portable computer, which is small and easily moving between the police vehicles and to the police station or other enforcement office.

Regarding claim 8, all the claimed subject matters are discussed in respect to claim 7 above.

Regarding claim 9, all the claimed subject matters are discussed in respect to claim 8 above.

Regarding claim 10, all the claimed subject matters are discussed in respect to claim 9 above.

2. Claims 11-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Price R-W, et al** and **Sabate et al** and further in view of **Cannon et al** IUS 6,408,232J.

Regarding claim 11, **Price R-W et al** fails to disclose the fingerprint identification system attached to the laptop. However, according to the discussion of the interrogator/reader 12 connected to a laptop computer in respect to claim 7 above, wherein the laptop computer contains records such as ID, address and vehicle owner traffic violation and criminal record information, see col. 2, lines 23-29. **Cannon et al** suggests that a wireless piconet transceiver 16 is mounted on a vehicle 12 being communicated with a

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nearby piconet transceiver 34 mounted in an owner's garage, in service center or in another vehicle such as police squad car. The police car includes a RF wireless transceiver 16 connected to a vehicle information exchange module 30 and vehicle (and/or user) database 42 for storing information such as ID, license plate state and number, registration number, a vehicle ID number to identify the vehicle 12, a unique driver ID such as fingerprint match can be appropriately associated with the logged data, see Figs. 1 and 3, col. 3, lines 18-52 and col. 4, lines 44-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the database containing fingerprint data of **Cannon et al** for memory storage in the laptop computer of **Price R-W et al** and **Sabate et al** in order to increase efficiency, accuracy and quickly recognizing of a criminal individual being tracked by a police vehicle traveling on a road.

Regarding claim 12, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** and **Cannon et al** in respect to claim 11 above, wherein the fingerprint can be in a remote database located at computer database server 22, see Fig. 1.

Regarding claim 13, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** and **Cannon et al** in respect to claim 12 above.

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Regarding claim 14, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** and **Cannon et al** in respect to claim 12 above.

Regarding claim 16, all the claimed subject matters are discussed between **Price R-W et al** and **Sabaate et al** and **Cannon et al** in respect to claim 1, 7 and 11 above; but **Price R-W et al** fails to disclose the remote network database communicating with the laptop computer in real time through exiting law enforcement data communications infrastructure. However, **Price R-W et al** teaches that when the interrogator 12 receives a valid response message from a VIT/RFID tag 16, it stores the vehicle identification information contained in the message in memory and displays the data to the operator. When connected to a remote or local computer database server 22 by a communications link 24 for access to databases such as motor vehicle records, criminal files, or warrant files to analyze vehicle identification records and owner information, the interrogator 12 allows authorized law enforcement officers to compare the stored registration information in the interrogator 12 with computer databases to determine if grounds exist to investigate the vehicle or its occupants. The computer database server 22 can also contain information, such as parking authorization or entrance authority, for commercial use. The interrogator 12 may also use a communications protocol such as the Point-To-Point Protocol (PPP), X.25 or Transport Control Protocol/Internet Protocol (TCP/IP), or any other protocol that will be obvious to those skilled in the art, to establish the communications link 24 with the remote computer database server 22. The interrogator 12 has the capability to communicate with remote computer database

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servers 22 over communications paths that include, but are not limited to: wire telephony circuits, cellular telephony circuits, and satellite circuits. During communications with a remote computer database server, the interrogator 12 can display the status of the computer network query to the interrogator operator. The interrogator 12 and VIT 16 take no action on received transmissions with messages that cannot be authenticated, see Figs. 1 and 3, col. 4, lines 1-37, col. 5, lines 17-38 and col. 7, lines 40-46. Therefore, it would have been obvious to one skill in the art at the time the invention was made to recognize that the law enforcement with interrogator wirelessly link to the remote database server for recording, tracking, searching and evaluating of received vehicle data information is functionally as the exiting law enforcement data communication infrastructure.

Regarding claim 17, all the claimed subject matters are discussed between **Price R-W et al** and **Sabate et al** and **Cannon et al** in respect to claim 16 above.

Response to Arguments

3. Applicant's arguments filed on 28 August 2006 have been fully considered but they are not persuasive. Because,

Applicant's arguments:

- (A) **Price R-W et al** does not anticipate the read only passive RF tag.
- (B) **Prices R-W et al** create plurality of problems due to plurality of operation functions.

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Response to the arguments:

(A) It is obvious to combine the Type I passive RFID tag of **Sabate et al** with **Price R-W et al** for reducing size and weight of the tag.

(B) It is obvious to an artisan would recognize that it is a design choice to select least or most operation functions for each particular applications, since the least with read only RFID tag gives an easier and greater in minimizing size, weight and cost of the RFID system.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breed discloses a communication device can be a cellular phone, RFID tag, OnStar.RTM. or other subscriber-based telematics system, a peer-to-peer vehicle communication system that eventually communicates to the infrastructure and then, perhaps, to the Internet with email to the dealer, manufacturer, vehicle owner, law enforcement authorities or others. It can also be a vehicle to LEO or Geostationary satellite system such as SkyBytes which can then forward the information to the appropriate facility either directly or through the Internet. [US 6,738,697]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long, sweeping horizontal stroke extending to the right.

Van Trieu
Primary Examiner
Date: 10/5/06